

MINUTES OF A SPECIAL MEETING

BROOKLYN CITY COUNCIL

August 8, 2005

7:05 p.m.

The Council and all in attendance recited the Pledge of Allegiance and also a moment of silence for the Marines of Brook Park.

President Albier: "Could we have the roll call Mr. Fisk."

Clerk Fisk: "Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."

Councilman G. Frey: "Here."
Councilman Coyne: "Here."
Councilman J. Frey: "Here."
Councilman Albier: "Here."
Councilwoman Pucci: "Here."
Councilwoman Brown: "Here."
Councilwoman Gallagher: "Here."

President Albier: "Tonight is a special Council meeting, and the agenda is: The finalization of the fire station plans; Resolution 2005-11, A Resolution encouraging all the commissions and boards of the City of Brooklyn to take all legal actions to ensure that Ferris Metal Processing Company and Gateway Park LLC are allowed to have adequate signage once certain properties become the property of the City of Brooklyn; Resolution 2005-12, A Resolution of intent of the City of Brooklyn to provide up to \$50,000 for the construction of an animal shelter. The first one is the finalization of the fire station plans and allowing Mr. Kappler to put it out for bids. So we had a Committee of the Whole meeting for like about an hour and a half, we discussed each one of the items that the city requests, about 29 items, to help bring the cost of the fire station back down to 4.2 rather than 3.8. And we discussed everything in detail and now we're going to vote on whether to have Mr. Kappler put out the plans for the fire station and receive the bids. Does anybody have any questions before we take a vote on putting out the fire station for bids."

Councilwoman Pucci: "So are we voting on the cuts or no?"

President Albier: "No, we did all that and that's the way it's going to be."

Councilwoman Pucci: "Okay."

President Albier: "The cuts we talked about, is that correct Mr. Shaper?"

Director Shaper: "We had a meeting previous to this, a number of views were expressed. The sentiment of those views has been taken into consideration by the administration and will be reflected by the administration. If anyone wants a copy of those minutes they shall have it. What the administration seeks tonight is permission to go out for bid taking into account all that we've heard at that meeting."

President Albier: "And just to make sure we understand each other, there are a couple items on that list that we disagree with and we want left in."

Director Shaper: "There were some items, and I do not think, if you want to state which items you would like out of there I have no objection to that. I think that might even clarify things. But I don't want, they're not independent. I want a summarization of what the Committee recommends. There is no vote out there. There is a recommendation being made by the Committee, and if Council wishes to vote on the recommendation of such, do so."

President Albier: "That's what we're going to do. And the recommendations are that two items out of that list are not to be removed; and one, it was the first one, the cast in place concrete, that was the epoxy coating on the wire reinforcement; and the other item was the number 24, the sauna. Otherwise the other 27 we agree with."

Director Shaper: "That means you are voting to give the Service Director permission to go out for the votes subject to eliminating those two items, correct?"

President Albier: "That's correct. For the bids."

Councilwoman Pucci: "May I be recognized?"

President Albier: "Yes, Mrs. Pucci."

Councilwoman Pucci: "Just to clarify for the skylight system, that's going to be an alternate. Right?"

President Albier: "Yes."

Councilwoman Pucci: "Okay. And could you give an explanation of the tower since it's not addressed, so that everyone knows what's going on with that?"

President Albier: "Okay. There was a question about building the fire tower, the training tower, and Council has recommended, and I believe this is the way we're going to do it, we're going to grade the property so that it can accommodate a tower in the future, and we're going to run all the utilities up to there, but no pad will be poured. And the Fire Department in the meantime is going to seek grants on building a tower."

Councilwoman Pucci: "Do you mind if I elaborate on that a little?"

President Albier: "Go ahead Mrs. Pucci."

Councilwoman Pucci: "Okay. They're also going to, the fire station committee is also going to check into other alternatives that might be less expensive but still meet their needs. And you have time to do this. So this is not going to delay the project. We have the time to do it. And then they come back to us with what the cost will be. And then of course, how the other bids come back, hopefully they'll come back favorably, we would still have time to include this. And the other thing is, we can explore alternative financial means of getting this also. Thank you."

President Albier: "Does any other Councilman wish to comment?"

Councilman J. Frey: "I move we authorize the Service Director, to authorize him to seek bids to get started on this project."

Councilwoman Pucci: "Second."

Clerk Fisk: "To authorize the administration to seek bids for construction of a new fire station, Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

"Colleen Gallagher."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilwoman Gallagher: "Yea."

President Albier: "The second item is **RESOLUTION 2005-11**. A Resolution encouraging all commissions and boards of the City of Brooklyn to take all legal actions to ensure that Ferris Metal Processing Company and Gateway Park LLC are allowed to have adequate signage once certain properties become the property of the City of Brooklyn. Mr. Shaper, would you explain this please."

Director Shaper: "I will give it my best shot. I might call Mr. Ockington for reinforcement. But Gateway and Ferris, as well as the City of Brooklyn, have struck a deal which benefits the city in many ways, and benefits their businesses as well, and hopefully generates business for the city down the road. And speaking of roads, also takes a private road that is in a state of disrepair into a public road that hopefully will serve thriving businesses in the City of Brooklyn, and eliminate a number of complaints the city has had. One of the problems that the businesses had was they, Ferris has a sign that they enjoy. They will be losing the property, once this deal is on, that that sign resides on. They wanted to strike a deal and do all the legalities

prior to the deal being done, and I told them I can't do that, I don't have authority from Council, I'm not going to seek Council's authority. What I will do is take it before Council to make sure that they understand that you want your sign, and that if they can legally do that that we will encourage the committees to allow that sign to stand. Let me continue. Gateway, of course, wants their sign to be similar to Ferris' because they don't want to be looked upon as the secondary business, or in any way commercially disadvantaged. And the sign hopefully is to the benefit of all Brooklyn. It's in an industrial area, it will serve the companies well, which in turn serves the city well."

President Albier: "The question I have is, once the road is put in, does the sign have to be moved, or are we just taking over the property?"

Director Shaper: "There will, as I understand it, the sign will not be moved, but it will be on our property, and they will need an easement to have that sign there. Am I correct Tom?"

Comm. Ockington: "Correct."

Director Shaper: "And there might be some flip-flopping that has to take place. But what they're concerned about is just that Council understands they need that sign for the vitality of their business. And I'm not trying to impose on you my views, but I'm saying they're not asking for any more than they currently have. They're allowing for their business to continue as such. And they came to us... It took a last minute deal, if people will recall, that Mr. Ockington and the Mayor worked on very, very hard to put together; but there was grant money that was there, the county was involved, Engineer Klaiber was involved, and we were fortunate to have this pulled off. This just is a way of showing good faith on the city's part that we understand your business needs to continue, we'll do what we can for you, but only what we legally can for you. And a resolution once again is a statement of intent. It does not... I'm not saying if you don't intend to do this don't pass the resolution; but I am not asking you to accept the land tonight, I'm not asking you to grant the easement tonight. I'm asking you to express the intention that Ferrous will be able to keep a sign similar to what they have, and Gateway will be allowed to have a sign similar. I want to say similar, just as visible, same type, same size."

President Albier: "Okay, any questions?"

Councilwoman Pucci: "May I ask a question?"

Councilman G. Frey: "The sign will have..."

President Albier: "Mrs. Pucci."

Councilman G. Frey: "...to conform with our existing sign regulations, right?"

Comm. Ockington: "Well that's the problem. The sign is considerably larger than what is allowed by our sign code."

Councilman G. Frey: "Oh, okay, they want to make sure they get afterwards what they had before..."

Comm. Ockington: "Right. And Ferrous is willing, and they have plans, to totally renovate the sign, but it's considerably larger than what is allowed today."

Councilman G. Frey: "Do they get together with Gateway and put one sign up that has both companies on? You know, half this side, half that side? They each want their own sign?"

Comm. Ockington: "Based upon the last year of negotiation, I would say no. I don't think they could agree on lunch."

Councilwoman Pucci: "May I ask a question?"

President Albier: "Yes, Mrs. Pucci."

Councilwoman Pucci: "The sign is going, the location of the sign is basically going to end up being the public right-of-way, connected with the street, right? Once we accept the dedicated street."

Comm. Ockington: "The existing sign for Ferrous will be in the public right-of-way."

Councilwoman Pucci: "Okay."

Comm. Ockington: "The sign for Gateway would not be."

Councilwoman Pucci: "Okay."

President Albier: "Anyone else have a question?"

Councilman J. Frey: "Yes..."

Director Shaper: "I do want to address this too. As a Law Director, one of the issues that always comes up is what precedent are we setting. If the precedent is that if you donate land to us and you work with us, the city will do what it legally can to help you. I'm not worried about that precedent. The precedent that I would be worried about is, can everybody have a sign similar to Ferrous now that we have done a deal like this? My answer is, I do not see somebody being able to make the argument that they're in the same position Ferrous is in. Ferrous has that sign right now. Ferrous does not have to give that land. We have no authority to tell Ferrous, take down your sign. What they are saying is, now that we've done the deal, please do not put us in a worse position because we have dealt with you in good faith. I'm not worried that after you do this we're going to have six companies saying we want the same Ferrous sign. I'm telling you straight up, Gateway's telling us that, and Gateway and Ferrous, Tom Ockington has not understated some of the heated debates they've had at the bargaining table with each other. If you had asked me was this deal going to come off last year I would have told you no. When I came in after New Year's Day and found out that it had happened I was amazed."

President Albier: "Okay, thank you Mr. Shaper. Anyone else? Tom?"

Councilman Coyne: "Tom, ultimately this is going to end up like a utility easement? When it's all done and over with?"

Director Shaper: "I don't know how I'd classify it as same as a utility easement..."

Councilwoman Pucci: "You know, it'd almost be the reverse."

Director Shaper: "I'm sorry?"

Councilwoman Pucci: "It would almost be the reverse of a utility easement, because..."

Director Shaper: "We own the property..."

Councilman Coyne: "Right."

Director Shaper: "They are taking easement, which means they are allowed to use that bit of land for that specific purpose, that specific purpose only, and we would allocate that they take care of the maintenance, and we'd set up some standard for that."

Councilman Coyne: "And that's what we do with the power companies and everything else."

Director Shaper: "Okay, that's fine."

Councilman Coyne: "Okay."

Councilman J. Frey: "I move we adopt Resolution #11 to get this project moving."

Councilwoman Pucci: "Introduced by all, suspend the rules."

Councilwoman Gallagher: "Second."

Clerk Fisk: "To suspend the rules on Resolution #11, Greg Frey." Councilman G. Frey: "Yea."
"Tom Coyne." Councilman Coyne: "Yea."
"John Frey." Councilman J. Frey: "Yea."
"Rich Albier." Councilman Albier: "Yea."
"Kathy Pucci." Councilwoman Pucci: "Yea."
"Rita Brown." Councilwoman Brown: "Yea."
"Colleen Gallagher." Councilwoman Gallagher: "Yea."

Clerk Fisk: "To adopt, Greg Frey." Councilman G. Frey: "Yea."
"Tom Coyne." Councilman Coyne: "Yea."
"John Frey." Councilman J. Frey: "Yea."
"Rich Albier." Councilman Albier: "Yea."
"Kathy Pucci." Councilwoman Pucci: "Yea."
"Rita Brown." Councilwoman Brown: "Yea."
"Colleen Gallagher." Councilwoman Gallagher: "Yea."

President Albier: "Next is **RESOLUTION 2005-12**. A Resolution of intent of the City of Brooklyn to provide up to \$50,000 for the construction of an animal shelter. Now normally at a special meeting we don't allow the public to speak, we only address these items; but I'm going to make an exception tonight and have Mrs. Palumbo come up to the microphone and address us on this issue, since she's the head of the animal shelter."

Shirley Palumbo: "Shirley Palumbo, 10218 Micka Drive, Brooklyn. Ladies and gentlemen of Council. I respectfully request the amendment of Resolution 2005-12 to reflect the proposal worked out between the City of Brooklyn, represented by Messrs. Kappler, Shaper and Fisk, and the Brooklyn Animal Shelter planning committee, represented by Bill Robb, Helen Gutwein and myself. This proposal was presented to the Finance Committee, including all members of Council, on May 23, 2005. The proposal reads in part: 'The City of Brooklyn, Ohio agrees to pay for and construct a suitable building on the east side of the service garage. The building will serve as an animal shelter operated by Brooklyn Animal Shelter, Inc. Estimated cost is 56,000.' The change from 50-56,000 came from discussion between the city and BAS, during which a very small 500 square foot building was discussed. Estimated cost of that building was 56,000 – according to Mr. Kappler, the Service Director. BAS, Inc. stated its intention to raise matching funds, either in in-kind donations of materials or monetary donations. We knew that we needed more space. The rough drawing that you have in your hands is of an approximately 40 x 30 foot building, this is what I gave you at the last meeting, which is approximately 1,200 square feet. It is the result of consultation with other shelter directors, companies that sell kennels and cage banks and other shelter equipment, and research in shelter design ideas put together by architects who have designed animal shelters. The 1,200 square foot building will allow space for quarantine and isolation areas that prevent the spread of disease. Once we receive our letter of recognition from the IRS I plan to mail grant applications to pay for the rest of the project. I hope you will agree to change this resolution to reflect what we've already talked about. Thank you."

President Albier: "Mrs. Palumbo, so you're saying that at some point you were promised 56,000 and the resolution is saying 50,000 – is that correct?"

Mrs. Palumbo: "Right."

President Albier: "Alright. Mr. Fisk, do you have a comment on that?"

Clerk Fisk: "Not right now."

President Albier: "Mr. Shaper?"

Director Shaper: "I don't know what the construction costs of the shelter are or are not. I don't have authority to spend a dime of Council's money or the city's money. And I don't doubt that there may have

been discussions as to what something costs or didn't. I do not know of any representations to spend anymore than Council allotted. I'm not telling Council they should spend 50, I'm not telling them they should spend 30, I'm not telling them they should spend 70. That's Council's job. If there are any things that were taken as representations, I don't know how that happened, because I think that every meeting we had started off with, we do not have the authority to make promises or representations, we will work with you. And I definitely did state to BAS that it would be best for them to prepare some sort of performo or business plan so that Council could evaluate it. Once again, I apologize if people take anything as a promise. I do not discuss money, that is in a situation like this. That as far as I know, Council allocated 50, and that's Council's business."

President Albier: "Okay, thank you. Yes Mrs. Palumbo?"

Mrs. Palumbo: "At the meeting in question, on the 23rd, which you were present at, you weren't happy with the plan that we submitted, so I said, well, I'm just going to write it right here, we're not going to leave this meeting until we just write down what you want us to say. And there are 13 parts to that. And you dictated some of it, and I transcribed it, especially the one that refers to this is number 11, where you said, the city shall not be responsible for any funds except the \$56,000 construction and utility cost. Now I'm not the only one that was present, there were two other people on BAS that were there. And not only that, I gave this to the Brooklyn City Council on May 23rd. The meeting exactly was on Wednesday, May 18th. I gave everybody a copy, you had a copy, Mr. Fisk, everybody that was there, and nobody had any problem with it. Kathy asked if anybody had any problems that they should let me know, and I talked about it at the Council meeting on June 27th. I mentioned the 56,000 twice, three times in the speech that I gave, and no one said anything about, no, it's not 56,000 or anything like that. And also at the end of that meeting Kathy Pucci did say that anybody that has a problem with it should talk to me. And I contacted every Councilmember after the meeting to make sure that they read it and they didn't have a problem with it. And I wrote down what they said, and nobody had a problem. So I'm not taking, you know, promises or anything. 56,000 isn't enough to pay for the building. I'm only asking you to pay for half of it, and I don't think that's a lot of money for a, you know, a city that has \$2.5 million in its General Fund."

President Albier: "Okay, Mrs. Palumbo, no matter what was said to you, Council has the final say on how much money we're going to spend, okay?"

Mrs. Palumbo: "Right, I understand that."

President Albier: "Alright, Mr. Fisk, are you able to say a word now?"

Clerk Fisk: "Yes, thank you. And excuse me. I have said right along, we've had discussions about 50,000. Mrs. Palumbo's had a thing about 56,000. There's never been an appropriation made, and this is the first thing that has come forward. All of the notes that I have say 50,000. If you want it to be 56,000 you can make it be 56,000. Council can determine what amount they want to do, what amount they want to appropriate. So at this point you don't have anything that sets an amount. We had originally discussed in Finance Committee 50,000. But if your determination is 56,000 then that's your determination. At this point there is no appropriation, and there is no anything that's had any kind of formal Councilmatic action."

Councilman G. Frey: "Rich..."

President Albier: "Okay, Greg, go ahead."

Councilman G. Frey: "Yeah, I would have been very happy to pass the 50,000 and then come back later and ask for the additional six. But I will be very happy to vote that we make it 56 and let's deal with this. Okay, I think it's a good commitment, I think we can do it. I think allows PAS, BAS, to do what they need to do. I think we're all kind of in favor of it, and we ought to do it."

Councilman J. Frey: "I'll second."

Councilman Coyne: "Second it."

Councilman J. Frey: "Second."

President Albier: "Okay, before we take the motion let's hear if any other Councilman has a comment."

Councilwoman Pucci: "Just for clarification, it's my understanding that the \$56,000 figure came when the initial 600 square foot building was proposed, that it was going to cost 56,000 to build it. And when the committee from the animal shelter determined that that was just going to be too small, you know, and it would cost literally double, they're willing to raise those funds on their own. I do not have a problem raising this to \$56,000. Quite frankly, for the city, it's a bargain, because, you know, we're donating half as a city, and this private, non-profit group is gonna come up with the other half. So for us it's a win-win situation. The other thing, just to clarify why we need this resolution, when Mrs. Palumbo applies for grants and things, she needs some sort of evidence that the city is actually going to put up this money. That it's not just, you know, something she, you know, dreamt up. She needs to be able to show entities that she's applying for funds from that, yes, the Brooklyn Animal Shelter has this commitment from the city."

Councilman J. Frey: "Mr. President."

President Albier: "Yes."

Councilman J. Frey: "I really think it's time that we move on this. Do it. We've discussed this for months, and it's time to get the ball rolling. I second the motion that we authorize the \$56,000. Appropriate the \$56,000 for BAS."

Councilwoman Brown: "Mr. Albier."

President Albier: "Mrs. Brown."

Councilwoman Brown: "I believe we would have to amend this to show 56,000. Therefore, I move to amend Resolution 2005-12 to change the amount from \$50,000 to \$56,000."

Councilwoman Pucci: "Second."

Councilman Coyne: "Second."

Clerk Fisk: "To amend Resolution #2005-12 from 50,000 to \$56,000 – Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Albier."

"Kathy Pucci."

"Rita Brown."

"Colleen Gallagher."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

Councilwoman Pucci: "Yea."

Councilwoman Brown: "Yea."

Councilwoman Gallagher: "Yea."

Councilman J. Frey: "I move we adjourn."

Councilwoman Brown: "We have to vote on this yet."

President Albier: "We have to adopt this."

Clerk Fisk: "You have to adopt it."

Councilman Coyne: "Introduced by all, suspend the rules."

Councilwoman Pucci: "Second."

Clerk Fisk: "To suspend the rules, Greg Frey."

"Tom Coyne."

"John Frey."

"Rich Albier."

Councilman G. Frey: "Yea."

Councilman Coyne: "Yea."

Councilman J. Frey: "Yea."

Councilman Albier: "Yea."

"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."

Clerk Fisk: "To adopt, Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."

President Albier: "Now John."

Councilman J. Frey: "Move to adjourn."

Councilwoman Brown: "Move to adjourn."

Councilman G. Frey: "Second."

Clerk Fisk: "To adjourn, Greg Frey."
"Tom Coyne."
"John Frey."
"Rich Albier."
"Kathy Pucci."
"Rita Brown."
"Colleen Gallagher."

Meeting adjourned.

Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."

Councilman G. Frey: "Yea."
Councilman Coyne: "Yea."
Councilman J. Frey: "Yea."
Councilman Albier: "Yea."
Councilwoman Pucci: "Yea."
Councilwoman Brown: "Yea."
Councilwoman Gallagher: "Yea."

Clerk of Council

President of Council